

RECEIVED
CENTRAL FAX CENTER

SEP 21 2005

Patent Application
Docket No. UF-258CXC1
Serial No. 09/925,336

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Susan D. Coe
Art Unit : 1651
Applicant(s) : Timur M. Momol, David J. Mitchell, Steve M. Olson, Eseungul A. Momol
Serial No. : 09/925,336
Conf. No. : 4420
Filed : August 9, 2001
For : Materials and Methods for the Control of Plant Pathogens

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF TIMUR M. MOMOL UNDER 37 CFR 1.132

Sir:

TIMUR M. MOMOL hereby declares:

THAT, I am a co-inventor of the technology described and claimed in the above-identified U.S. patent application (hereinafter the '336 application);

THAT, I have extensive education and experience in the field of agricultural pest control (please see attached C.V.); and

THAT, I have carefully reviewed the following references cited by the patent reviewer:

Soler-Serratosa (Nematropica (1996), vol. 26, no. 1, pp.57-71); and

Canadian Pat. Appl. No. 2,012,288.

THAT, I am a co-author of the following abstract cited by the patent reviewer:

Momol *et al.* (*Phytopathology* 89(6):S54, June 1999)

Being thus duly qualified, do further declare as follows:

C:\DOCUMENTS AND SETTINGS\TMOMOL\LOCAL SETTINGS\TEMPORARY\INTERNET FILES\OLXSC\UF-258CXC1-131.DOC/dNB/hey

The papers cited by the patent reviewer do not teach a person skilled in this art that thymol could be used as a soil fumigant to control *Ralstonia* without being toxic to tomato plants. The Soler-Serratosa *et al.* paper only pertains to nematode control and, in particular, experiments that indicated that thymol could be combined with 100 ppm benzaldehyde to achieve a synergistic combination for the control of certain parasitic nematodes. From my experience, I know that *Ralstonia* is extremely hard to control with soil fumigants, especially without phytotoxicity. There is no reason to expect that one component of a composition that shows synergy in the control of nematodes would be useful as a soil fumigant for the control of *Ralstonia*. Accordingly, the Soler-Serratosa *et al.* results do not suggest using thymol to control *Ralstonia*, especially without the presence of a synergist such as benzaldehyde.

The cited Canadian patent does not pertain to fumigants at all; instead it describes compositions for killing microbes on surfaces in greenhouses, etc. This is quite different from using a volatile compound as a fumigant. One could not assume that a surface sterilizer, such as that which is described in the Canadian patent, could be used as a fumigant.

Finally, please note that our current invention is quite a significant advancement compared to the very brief mention in our 1999 abstract that thymol can kill *Ralstonia* *in vitro*. Many compounds can control bacteria *in vitro* but extremely few can be used in the field as a fumigant to control *Ralstonia*, without phytotoxicity such that there is an increase in the yield of tomatoes.

I hereby further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Timur M. Momol
Timur M. Momol

Sep 19, 2005

Date

C:\DOCUMENTS AND SETTINGS\TMOMOL\LOCAL SETTINGS\TEMPORARY\INTERNET FILES\VOLKSC\UF-258CXC1.
131.DOC/dNB/hey

TIMUR M. MOMOL - CV

University of Florida / IFAS
 Plant Pathology Department
 North Florida Research and Education Center
 155 Research Road, Quincy, FL 32351, USA

Tel: 850-875-7154
 Fax: 850-875-7148
 E-mail: TMOMOL@UFL.EDU

Education

Ph.D.	Plant Pathology, University of Florida, Gainesville	1986
M.Sc. and B.Sc.	Plant Pathology and Ag. Eng., Ege University, Izmir	1979

Professional Experience

Associate Professor	University of Florida, NFREC, Quincy, FL	2004-Present
Assistant Professor	University of Florida, NFREC, Quincy, FL	1998-2004
Research Associate	Cornell University, NYSAES, Geneva, NY	1994-1998
Associate Professor	Akdeniz University, Antalya	1991-1994
Visiting Professor	Bio. Bund. Inst., Dossenheim	1991
Assistant Professor	Akdeniz University, Antalya	1988-1991
Graduate Res. Assist.	University of Florida, Gainesville	1982-1986
Plant Health Specialist	Department of Agriculture, Izmir	1979-1981
Intern Student	Agricultural University, Wageningen	1978

Professional Assignments, Honors, Awards

USDA Secretary's Honor Award	2004
NPDN Training and Education Com. Co-Chair	2004-present
NPDN Op Com. member	2004-present
Chair of the ISHS 1 st Int. Sym on Tomato Diseases	2002-Present
Chair of the ISHS Working Group of Fire Blight	1998-2001
Secretary of the ISHS Working Group of Fire Blight	1995-1998
Chair of the Organizing Committee of the 8th IWFB	1995-1998
Member of the Scientific Committee of the 8th IWFB	1995-1998
DAAD grant for research on fire blight of apple and pear in Germany	1991
NATO Science Scholarship to pursue Ph.D. in the USA	1982-1986

Refereed Publications Since 2001

Harmon PL, Momol MT, Marois JJ, Dankers H, Harmon CL. 2005. Asian soybean rust caused by *Phakopsora pachyrhizi* on soybean and kudzu in Florida. Online. Plant Health Progress doi: 10.1094/PHP-2005-0613-01-RS. <http://www.plantmanagementnetwork.org/pub/php/research/2005/rust/>

Ji P**, Momol MT, Olson SM, Pradhanang PM, and Jones JB. 2005. Evaluation of thymol as biosumigant for control of bacterial wilt of tomato under field conditions. Plant Disease 89:497-500.

Obradovic A**, Jones JB, Momol MT, Olson SM, Jackson LE, Balogh B, Guven K, Iriarte FB. 2005. Integration of biological control agents and systemic acquired resistance inducers against bacterial spot on tomato. Plant Disease 89:712-716.

Blount AR, Rizvi SA, Barnett RD, Chen X, Schubert TS, Dankers WH, Momol MT, and Dixon WN. 2005. First report of stripe rust caused by *Puccinia striiformis* f. sp. *tritici* on wheat in Florida. Online. Plant Health Progress doi: 10.1094/PHP-2005-0304-01-HN. <http://www.plantmanagementnetwork.org/pub/php/brief/2005/stripe/>

Hert A*, Jones JB, Roberts P, Momol MT, Minsavage GV. 2005. Relative importance of bacteriocin-like genes in antagonisms of tomato race 3 to tomato race 1 strains of *Xanthomonas campestris* pv. *vesicatoria*. *Applied and Environmental Microbiology*

Guyon K, Jones JB, Momol MT, and Dickstein ER. 2004. Phenotypic and genetic diversity among *Pseudomonas syringae* pv. *phaseolicola*. *J. Phytopathology* 152:658-666.

Momol MT, Lockhart BEL, Dankers H, and Adkins S. 2004. *Canna yellow mottle virus* detected in Canna in Florida. *Plant Health Progress* doi:10.1094/PHP-2004-0809-01-HN.
<http://www.plantmanagementnetwork.org/pub/php/brief/2004/canna/>

Momol MT, Olson SM, Funderburk JE, Stavisky J, and Marois JJ. 2004. Integrated management of tomato spotted wilt on field-grown tomatoes. *Plant Disease* 88:882-890.

Obradovic A**, Jones JB, Momol MT, Balogh B, and Olson SM. 2004. Management of tomato bacterial spot in the field by foliar applications of bacteriophages and SAR inducers. *Plant Disease* 88:736-740.

Anith KN**, Momol MT, Kloepper JW, Marois JJ, Olson SM, and Jones JB. 2004. Efficacy of plant growth-promoting rhizobacteria, acibenzolar-S-methyl, and soil amendment for integrated management of bacterial wilt on tomato. *Plant Disease* 88:669-673.

Andersen PC, Ishida ML, Momol EA, Brodbeck BV, Leite B**, and Momol MT. 2004. Influence of Vitis xylem fluid and xylem fluid plus cecropin cecropin on growth of *Xylella fastidiosa*. *Vitis* 43 (1): 19-25.

Momol MT, Balaban MO, Korel F, Odabasi A*, Momol EA, Folkes G*, and Jones JB. 2004. Discrimination of plant pathogenic bacteria using an electronic nose. *Online. Plant Health Progress* doi:10.1094/PHP-2004-0405-01-HN. <http://www.plantmanagementnetwork.org/pub/php/brief/2004/nose/>

Dankers H, Kimbrough JW, and Momol MT. 2004. First report of *Plasmopora halstedii* on perennial black-eyed susan in North Florida. *Online. Plant Health Progress* doi:10.1094/PHP-2004-0119-01-HN.
<http://www.plantmanagementnetwork.org/sub/php/brief/2004/susan/>

Momol MT, Dankers H, and Adkins S. 2003. First report of *Tomato spotted wilt virus* in Hosta in Florida. *Online. Plant Health Progress* doi:10.1094/PHP-2003-1024-01-HN.
<http://www.plantmanagementnetwork.org/sub/php/brief/2003/hosta/>

Balogh B*, Jones JB, Momol MT, Olson SM, Obradovic A**, King P, and Jackson LF. 2003. Improved efficacy of newly formulated bacteriophages for management of bacterial spot on tomato. *Plant Disease* 87:949-954.

Reitz SR, Yearby EL*, Funderburk JE, Stavisky J, Momol MT, and Olson SM. 2003. Integrated management tactics for *Frankliniella thrips* (Thysanoptera:Thripidae) in field grown pepper. *J. Economic Entomology* 96:1201-1214.

Pradhanang PM**, Momol MT, Olson SM, and Jones JB. 2003. Effects of plant essential oils on *Ralstonia solanacearum* population density and bacterial wilt incidence in tomato. *Plant Disease* 87:423-427.

Blount AR, Dankers H, Momol MT, and Kucharek T.A. 2002. Severe dollar spot fungus on bahiagrass in Florida. *Online. Crop Management*, doi:10.1094/CM-2002-0927-01-R.
<http://www.plantmanagementnetwork.org/pub/crn/research/dollarspot/>

Funderburk J, Stavisky J, Tipping C, Gorbet D, Momol MT, and Berger RD. 2002. Infection of *Frankliniella fusca* (Thysanoptera: Thripidae) in peanut by the parasitic nematode *Thripinema fuscum* (Tylenchidae: Allantonematidae). *Environmental Entomology* 31(3):558-563.

Pradhanang PM**, Momol MT, Dankers H, Momol EA, and Jones JB. 2002. First report of southern wilt caused by *Ralstonia solanacearum* on geranium in Florida. Online. Plant Health Progress, doi:10.1094/PHP-2002-0611-01-PN. <http://www.plantmanagementnetwork.org/pub/php/briefs/geranium/>

Blount AR, Pittman RN, Smith BA, Morgan RN, Dankers W, Sprenkel RK, and Momol MT. 2002. First report of *Peanut stunt virus* in perennial peanut in North Florida and Southern Georgia. Plant Disease 86:326.

Argun N, Momol MT, Maden S, Momol EA, Reid CL, and Burr TJ. 2002. Characterization of *Agrobacterium vitis* strains isolated from Turkish grape cultivars in Central Anatolia Region. Plant Disease 86:162-166.

Marois JJ, Momol MT, Kimbrough JW, Hochmuth RC, and Dankers W. 2001. First report of powdery mildew on greenhouse tomatoes caused by *Oidium neolyopersici* in Florida. Plant Disease 85: 1292.

Pradhanang PM** and Momol MT. 2001. Survival of *Ralstonia solanacearum* in soil under irrigated rice culture and aquatic weeds. J. Phytopathology 149:707-711.

Xin J, Beck HW, Halsey LA, Fletcher JH, Zazueta FS, and Momol MT. 2001. Development of a distance diagnostic and identification system for plant, insect and disease problems. Applied Engineering in Agriculture 17 (4): 561-565.

Momol MT, Blount A, Kucharek TA, Petersen MA, Nielsen M, Dankers W, and Barnett RD. 2001. First report of a Furovirus infecting field-grown rye in North America. Plant Disease 85: 678.